

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05 H-01

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FM AMEMBASSY GABORONE

TO SECSTATE WASHDC 1986

INFO AMCONSUL CAPE TOWN

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY PEETORIA

C O N F I D E N T I A L GABORONE 1004

CAPE TWON FOR EMBASSY

E.O. 11652: GDS

TAGS: PDEV, SHUM, BC, SF, UK

SUBJECT: DEATH OF FOREIGNERS WHILE IN DETENTION

REF: (A) GABORONE 0939; (B) GABORONE 0896; (C) GABORONE 0890

1. DEPUTY POLICE COMMISSIONER DAVID MOPHUTING RECENTLY TOLD EMBOFF THAT PRESIDENT KHAMA HAS ASKED POLICE TO CONDUCT INFORMAL INQUIRY INTO DEATH OF THREE FOREIGNERS WHILE IN BDF DETENTION (REFTELS). ACCORDING TO MOPHUTING, PRESIDENT MAY ORDER OFFICIAL INQUEST IF POLICE INVESTIGATION SUPPORTS ALLEGATIONS OF BDF MISHANDLING OF INCIDENT. HOWEVER, UK HICOM TURNER TOLD AMBASSADOR APRIL 6 THAT PRESIDENT KHAMA HAD TURNED DOWN UK REQUEST THAT OFFICIAL INQUEST BE CONDUCTED AS SOON AS POSSIBLE. ACCORDING TO TURNER, PRESIDENT TOLD HIM THAT, ALTHOUGH HE WAS PERSONALLY "SADDENED" BY INCIDENT, DECISION WHETHER TO HOLD INQUEST WAS PREROGATIVE OF ATTORNEY-GENERAL UNDER BOTSWANA CONSTITUTION.

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2. DURING CONVERSATION WITH EMBOFF, MOPHUTING CRITICIZED BDF HANDLING OF INCIDENT ON FOLLOWING POINTS:

A. BDF SHOULD HAVE TURNED DETAINEES OVER TO POLICE IMMEDIATELY AFTER THEIR APPREHENSION. ACCORDING TO MOPHUTING, POLICE ARE BETTER TRAINED IN INVESTIGATION AND PROPER HANDLING OF PRISONERS THAN BDF.

B. NO ATTEMPT WAS MADE TO ESTABLISH

IDENTITY AND CITIZENSHIP OF DETAINEES SO THAT UK HIGH COMMISSION AND SAG WERE NOT INFORMED OF DETENTION OF THEIR CITIZENS. MOPHUTING TOLD US THAT, WHEN INCIDENT WAS FIRST REPORTED TO HIM, BDF CLAIMED THAT THREE RHODESIANS HAD BEEN KILLED.

C. IN MOPHUTING'S OPINION IT WAS NOT NECESSARY TO KILL ALL THREE DETAINEES AFTER THE ONE WHO TOOK WEAPON FROM GUARD WAS KILLED.

3. IN RESPONSE TO EMBOFF'S INQUIRY, MOPHUTING EMPHATICALLY STATED THAT THERE IS NO REASON TO DISCOURAGE TRAVEL BY FOREIGNERS IN BORDER AREAS. HE ALSO REAFFIRMED THAT POLICE HAVE STANDING ORDERS TO NOTIFY FOREIGN EMBASSIES OF THE DETENTION OF THEIR CITIZENS, ALTHOUGH HE WAS NOT SURE WHETHER BDF HAS SIMILAR ORDERS. MOPHUTING ADDED THAT POLICE PRESENCE IN TULI BLOCK AREA HAS BEEN INCREASED TO PREVENT MORE INCIDENTS OF THIS TYPE.

4. COMMENT: MOPHUTING'S CRITICISM OF BDF HANDLING OF INCIDENT IN PART REFLECTS INSTITUTIONAL RIVALRIES BETWEEN BDF AND POLICE. ALTHOUGH BDF RECEIVED ITS ORIGINAL INFUSION OF MANPOWER FROM POLICE, ITS LEADERS, PARTICULARLY BRIGADIER IAN KHAMA, HAVE CONSISTENTLY SOUGHT TO AFFIRM ITS AUTONOMY FROM POLICE CONTROL. THEREFORE, PRESIDENT KHAMA'S REPORTED DECISION TO HAVE POLICE INVESTIGATE BDF BEHAVIOR MUST HAVE BEEN A DIFFICULT ONE IN CONFIDENTIAL

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BOTH BUREAUCRATIC AND PERSONAL TERMS. SENSITIVITY OF THIS DECISION MAY ACCOUNT FOR HIS SOMEWHAT DISINGENUOUS REPLY TO TURNER'S REQUEST FOR AN INQUEST. WE BELIEVE, HOWEVER, THAT POLICE INVESTIGATION DEMONSTRATES PRESIDENTIAL INTENTION TO DETERMINE FACTS OF THE INCIDENT AND ENSURE THAT IT IS NOT REPEATED.

5. HOWEVER, WE DOUBT WHETHER AN INTERNAL AND CONFIDENTIAL GOB INVESTIGATION WILL BE ENOUGH TO SATISFY LEGITIMATE UK AND SOUTH AFRICAN DEMANDS FOR AN EXPLANATION OF INCIDENT AND PUNISHMENT OF ANY WRONGDOING. UNTIL A POLICE INQUEST IS HELD, GOB WILL BE OPEN TO ALLEGATIONS THAT A COVER UP OF GROSS BDF MISBEHAVIOR IS BEING CONDUCTED WITH THE ACQUIESCENCE OF THE GOVERNMENT. ALBERTI

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